

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2008

No. 08-50301
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BENJAMIN MICHAEL KOLLAR

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:07-CR-2307-ALL

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Benjamin Michael Kollar pleaded guilty to the charge of possession with intent to distribute 100 kilograms or more of marijuana. Kollar has appealed, contending that the district court clearly erred in overruling his objection to the probation officer's drug-quantity determination. Kollar contends that the district court erred in extrapolating the quantity attributable to him as relevant conduct.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The district court's drug-quantity finding was based primarily on Kollar's own statements. The finding is not clearly erroneous because it is plausible in light of the record as a whole. See *United States v. Cisneros-Guiterrez*, 517 F.3d 751, 764 (5th Cir. 2008). Kollar has not shown that the district court abused its discretion in imposing the sentence. See *Gall v. United States* 128 S. Ct. 586, 596-97 (2007). The judgment is AFFIRMED.